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10 *Solutions of America, Inc., (erroneously sued*
11 *as NEC Display Solutions of America, Inc.)*

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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

AAEON Electronics, Inc., a New Jersey
corporation,

Plaintiff,

v.

NEC Display Solutions of America,
Inc., a Delaware corporation.

Defendants.

Case No. 2:21-cv-4532

**DEFENDANT'S NOTICE OF
REMOVAL OF CIVIL ACTION
FROM STATE COURT
PURSUANT TO 28 U.S.C. §§ 1332
AND 1441(B).**

(Removed from the Superior Court for
the State of California, County of Los
Angeles, Case No. 21STCV16440)

1 **TO THE CLERK OF THE ABOVE-ENTITLED COURT, PLAINTIFF**
2 **AAEON ELECTRONICS, INC., AND PLAINTIFF’S ATTORNEY OF**
3 **RECORD:**

4 PLEASE TAKE NOTICE that, for the reasons set forth below, Defendant
5 Sharp NEC Display Solutions of America, Inc., erroneously sued as NEC Display
6 Solutions of America, Inc., (“NEC”), a Delaware corporation, hereby removes the
7 above-captioned matter, which was commenced as Case Number 21STCV16440 in
8 the Superior Court of the State of California, County of Los Angeles, to the United
9 States District Court for the Central District of California, Western Division,
10 pursuant to 28 U.S.C. §§ 1332 and 1441(b). As grounds for removal, NEC states as
11 follows:

12 **STATEMENT OF THE CASE**

13 1. On May 4, 2021, NEC was served with a Summons and a Complaint
14 for this action, which was initiated by Plaintiff AAEON Electronics, Inc.
15 (“AAEON”) in the Superior Court of California, Los Angeles, as Case Number 21
16 STCV16440. Attached as **Exhibit A** to this Notice of Removal is a true and correct
17 copy of the Summons, Complaint, and all other papers that were served upon NEC.

18 2. The Complaint asserts claims for (i) Breach of Contract and (ii) Goods
19 and Services Rendered. *See* Ex. A. (Compl.), ¶¶ 11-21. AAEON seeks damages
20 in the amount of \$505,800. *Id.*, ¶ 16.

21 **GROUND FOR DIVERSITY JURISDICTION**

22 3. Grounds exist for removal of this action based on diversity jurisdiction
23 pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441(b), as the action is between
24 citizens of different states and the amount in controversy exceeds \$75,000.

25 4. At the time this lawsuit was filed and as of the date of this Notice of
26 Removal, Plaintiff AAEON was and is a New Jersey corporation with its principal
27 place of business in either New Jersey or California.

28 5. At the time this lawsuit was filed and as of the date of this Notice of

1 Removal, Defendant NEC was and is a Delaware corporation with its principal
2 place of business in Illinois.

3 6. As the Plaintiff and Defendant are citizens of different states as
4 defined by 28 U.S.C. § 1332(c)(1), the diversity requirement of 28 U.S.C. § 1332(a)
5 is satisfied.

6 7. Plaintiff has requested damages in the amount of \$505,800. Ex. A,
7 Compl., ¶ 16. This amount which is sufficient to satisfy the amount-in-controversy
8 requirement of 28 U.S.C. § 1332(a)

9 **PROCEDURAL REQUIREMENTS**

10 8. Removal here is timely because this Notice is made within 30 days of
11 service of Plaintiff's Complaint on NEC and, therefore, within the timeframe
12 provided in 28 U.S.C. § 1446(b).

13 9. This action, filed in the Superior Court of the State of California,
14 County of Los Angeles, is being removed to the district and division embracing the
15 place where the action is pending, as required by 28 U.S.C. § 1441(a).

16 10. Pursuant to 28 U.S.C. § 1446(a), copies of all the process, pleadings
17 and orders on file with the state court or served on NEC in the state court are
18 attached collectively as Exhibits A-C.

19 11. NEC is the only known Defendant in this action. Consequently, the
20 requirement, pursuant to 28 U.S.C. § 1446(b)(2) (A, C) that all Defendants join in
21 and consent to removal is satisfied.

22 12. A notice of filing of removal, with a copy of this Notice of Removal
23 attached thereto, is being filed with the clerk of the Superior Court of the State of
24 California, County of Los Angeles, pursuant to 28 U.S.C. § 1446(d).

25 13. A notice of filing of removal, with a copy of this Notice of Removal
26 attached thereto, is being served on Plaintiff's attorney pursuant to 28 U.S.C. §
27 1446(a). A proof of such service will be filed with this Court.

28 14. No previous application has been made for the relief requested herein.

CONCLUSION

15. By filing this Notice of Removal, Defendant does not waive any defenses which may be available to it, specifically but not limited to, whether this court can exercise personal jurisdiction over the Defendant or whether venue is proper in this Court or in the Court from which this action has been removed. NEC intends no admission of fact, law, or liability by this notice, and reserves all defense, motions, and pleas.

16. NEC prays that this action be removed to this Court for determination, that all further proceedings in the state court lawsuit, including discovery, be stayed, and that NEC obtains all additional relief to which it is entitled.

Dated: June 2, 2021

Respectfully Submitted,
THE VORA LAW FIRM, P.C.



BY: _____
JEFFREY ATTEBERRY

*Attorneys for NEC Display
Solutions of America, Inc.*